UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,502	01/04/2002	Robert L. Noonan	COMP:0223 POO-3552	6280

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Intellectual Property Administration
Legal Department M/S 35
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EXAMINER
NGUYEN, MIKE

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 April 2002_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _04/15/02_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Notices & Remarks

1.   Claims 1-20 are pending for the examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-2, 6-10, 14-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated

by Clark et al. (U.S. Pat. No. 6,233,634 B1).

As to claim 9, Clark teaches a managed server (fig. 1 server 10), comprising:

a video controller (video controller 20) that is operatively connected to a communication

bus (expansion bus); and

a remote server management controller (server controller 26) that is connected to the

communication bus and adapted to snoop data that is intended for the video controller from the

communication bus (col. 8 lines 36-55), the remote server management controller comprising:

a FIFO (fig. 5 local frame buffer 48) that is adapted to store data snooped from

the communication bus (col. 9 lines 46-50); and

an embedded bus master (detection logic 30) that is operatively connected to the

communication bus, the embedded bus master being adapted to take control of the

communication bus responsive to a signal that the FIFO has become filled to a predetermined

level to prevent the FIFO from being overflowed with snooped data while snooped data stored in

the FIFO continues to be processed (col. 9 line 44 to col. 11 line18).

As to claims 10 and 2, Clark teaches a passive throttling register that stores a value (col. 7

lines 37-48); and wherein the embedded bus master takes control of the communication bus by

reading the value and preventing communication on the communication bus for a time period

that corresponds to the value (col. 9 line 44 to col. 11 line18).

As to claims 14 and 6, Clark teaches the value is stored in the passive throttling register

when the remote server management controller is initialized (col. 10 lines 27-43).

As to claims 15 and 7, Clark teaches the value is updated periodically (col. 22 line 46 to

col. 23 line 14).

As to claims 16 and 8, Clark teaches the value is proportional to a volume of traffic on

the communication bus (col. 22 line 63 to col. 23 line 14).

As to claim 1, Clark teaches a remote management controller (fig. 1 server controller 26)

that snoops data from a communication bus (expansion bus col. 8 lines 36-55) comprising:

a FIFO (fig. 5 local frame buffer 48) that is adapted to store data snooped from the

communication bus (col. 9 lines 46-50); and

an embedded bus master (detection logic 30) that is operatively connected to the

communication bus, the embedded bus master being adapted to take control of the

communication bus responsive to a signal that the FIFO has become filled to a predetermined

level to prevent the FIFO from being overflowed with snooped data while snooped data stored in

the FIFO continues to be processed (col. 9 line 44 to col. 11 line 18).

As to claim 17, Clark teaches a method of passively throttling a communication bus (fig.

4 EISA bus), comprising the acts of:

snoop a communication bus (col. 8 lines 36-55);

storing data snooped from the communication bus in a storage device (col. 9 lines 46-50);

determining if the storage device is filled to a predetermined level (col. 9 line 44 to col.

11 line 18);

preventing further transfers of data on the communication bus responsive to the act of

determining of the storage device is filled to a predetermined level (col. 9 line 44 to col. 11 line

18).

As to claim 18, Clark teaches the method of claim 17, further comprising the acts of:

storing a value in a register (col. 7 lines 37-48);

reading the value (col. 9 lines 27-43); and

wherein the act of preventing further transfers of the specific type of data is performed

for a time period that corresponds to the value (col. 9 line 44 to col. 11 line18).

As to claim 20, Clark teaches the method of claim 17, wherein the recited acts are performed in the recited order (col. 8 lines 1-26).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 11-13, 3-5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Brown (U.S. Pat. No. 6,728,808 B1).

As to claims 11-12 and 3-4, Clark fails to explicitly teach a PCI bus and a number of PCI clock cycles. Brown; however, teaches the communication bus is the PCI bus and the values is the number of PCI clock cycles (col. 7 lines 24-34). It would have been obvious to a person of ordinary skill in the art to have the PCI bus in order to provide a high speed and low latency bus architecture (col. 1 lines 57-59).

As to claims 13, 5 and 19, Clark teaches the embedded bus master is adapted to take control of the communication bus by initiating an EISA read transaction on the passive throttling register (col. 9 line 44 to col. 11 line18). Clark fails to explicitly teach a PCI bus. Brown; however, teaches the PCI bus (col. 7 lines 24-34). It would have been obvious to a person of ordinary skill in the art to have the PCI bus in order to provide a high speed and low latency bus architecture (col. 1 lines 57-59).

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U.S. Pat. No. 6,851,008 B2 (Hao)

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mike Nguyen whose telephone number is 571 272-4153. The

examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey Gaffin can be reached on 571 272-4146. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Nguyen
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Group Art Unit 2182

JEFFREY GAFFIN
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02/15/2005